IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3464 of 1985

For Approval and Signature:

Hon'ble ACTING CHIEF JUSTICE MR.JN BHATT
and
Hon'ble MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

HARISHBHAI B PATEL

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 3464 of 1985
MR VM TRIVEDI for Petitioner No. 1
MS ARCHANA RAVAL, AGP, for Respondent No. 1-2

CORAM : ACTING CHIEF JUSTICE MR.JN BHATT
and
MR.JUSTICE A.L.DAVE

Date of decision: 25/06/2003

ORAL JUDGEMENT

(Per : ACTING CHIEF JUSTICE MR.JN BHATT)

In this petition under Article 226 of the Constitution, the main challenge is against the provisions of the Indian Forest (Gujarat Amendment) Act, 1983, contending that, it is ultra vires the provisions of Articles 14 and 19 of the Constitution. The validity and the vires issue is no longer, now, res integra in view of the decision of this Court rendered in Taljabhai S. Rabari v. State of Gujarat, 2001(3) GLR 2505, wherein similar challenge against the constitutionality and validity of the provisions of the Indian Forest (Gujarat Amendment) Act, 1983, has not been upheld. Therefore, the challenge in this petition is directly and squarely covered by the aforesaid decision. We also find that nothing has been, successfully, shown to us or spelt out from the record which would prompt us to take a different view than the view taken by the Division Bench in the aforesaid decision.

The petition, therefore, is required to be rejected. Obviously, the interlocutory order ipso facto would not, now, assume survival value. The petition shall stand rejected. Rule is discharged without any order as to costs.

[J.N. BHATT, ACTG. C.J.]

[A. L. DAVE, J.]

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